S.B.Civil Second Appeal No.121/2007.

Kumbharam.

vs.

Madanlal.

Date : 15.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Rajat Dave, for the appellant.

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Heard learned counsel for the appellant.

The appellant's application under Section 5 of the Limitation Act was dismissed by the first appellate court by order dated 9.1.2007, therefore, this second appeal has been preferred.

It appears from the facts that the Debt Relief Court passed the decree against the appellant on 17.12.1999 and the appellant submitted before the first appellate court that he came to know about the decree on 2.8.2006 only. The first appellate court observed that the appellant himself took part in the execution proceedings no.2/2002 which was initiated in pursuance of the decree passed on 17.12.1999. The appellant also

submitted his power on 23.8.2005.

In view of the above reasons, the first appellate court rightly dismissed the application of the appellant under Section 5 of the Limitation Act, hence, there is no illegality in the judgment and decree of the first appellate court.

In view of the above, I do not find any substantial question of law involved in this appeal.

Consequently, this second appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya